

ENTERED

January 17, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

KENDRA MANNING,

Plaintiff,

VS.

MARTIN O'MALLEY,

Defendant.

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CIVIL ACTION NO. 1:23-CV-072

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Kendra Manning filed this petition for review after the Commissioner of Social Security denied her disability benefits based on an Administrative Law Judge's findings. (Complt., Doc. 1) After the administrative transcript record was fully developed, a United States Magistrate Judge ordered dispositive briefing from the parties. (Order, Doc. 5) In response, Manning filed a motion for summary judgment, which the Commissioner opposed. (Manning's MSJ, Doc. 7; Response, Doc. 8)

The Magistrate Judge recommends that Manning's motion for summary judgment be granted and that the case be remanded to the Commissioner of the Social Security Administration. (R&R, Doc. 10) No party filed objections to the Report and Recommendation, and the Court finds no clear error within it.

As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 10). It is:

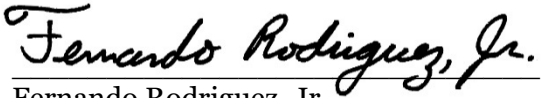
ORDERED that Plaintiff Kendra Manning's Motion for Summary Judgment (Doc. 7) is **GRANTED**; and

ORDERED that Plaintiff Kendra Manning's Petition for Review is **GRANTED**, the final decision of the Commissioner of Social Security Administration is **VACATED**, and this case is **REMANDED** to the Commissioner of the Social Security Administration for further proceedings consistent with this Order and the adopted Report and Recommendation.

To the extent that Manning believes she is entitled to attorneys' fees under 28 U.S.C. § 2412, she shall file a motion for such fees by no later than February 20, 2024.

This is a final and appealable order. The Clerk of Court is directed to close this case.

Signed on January 17, 2024.



Fernando Rodriguez, Jr.
United States District Judge